**COMMONWEAL**

**The Juvenile Justice Program □** [***www.comjj.org***](http://www.comjj.org)

**JUVENILE JUSTICE** **AND**

**RELATED YOUTH PROGRAM BILLS**

**Pending in the 2019 Session of the California Legislature**

**May 21, 2019**

This bulletin describes bills pending in the 2019 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. This edition covers bill amendments and committee status through May 17th, which was the last day for Appropriations Committees to meet and approve fiscal bills this year. Bills not making it out of fiscal committee by May 17 (or not passing the house of origin by May 31) become “two year bills” that may not be taken up again until the next (2020) session of the Legislature. Budget sub-committees in each house are now finalizing their respective versions of the state budget, to be consolidated into a single Budget Act and trailer bill package to go to the Governor by the constitutional deadline of June 15th. We will report separately on juvenile justice budget proposals (trailer bills) that remain viable and headed toward inclusion in the final budget package. Floor votes where shown are in the order “aye-no-not voting”. The full text of any bill can be found on the state legislative website at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov). More information on legislation, budget and policy affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- [www.comjj.org](http://www.comjj.org).

**Assembly bills**

***AB 3 (Cooper, D. – Sacramento). Adolescent Cannabis Prevention Fund.*** As amended, this bill creates a state fund from fines or penalties assessed against licensed cannabis providers for failing to adequately check the age or ID of persons purchasing marijuana products. Assets in the fund would be used, upon appropriation by the Legislature, “for the purposes of preventing persons under 21 years of age from accessing cannabis and cannabis products***”. Held in the Assembly Appropriations Committee, two year bill.***

***AB 18 (Levine, D. – Marin County). Gun excise tax to support violence prevention programs.*** AB 18 imposes a state excise tax of $25 on the retail sale of each firearm “sold as new” in California, beginning in January of 2020. The proceeds are to be deposited in a newly created state fund to support grants made under the California Violence Prevention and Intervention (CalVIP) Grant Program. AB 18 also codifies the CalVIP grant program that was previously administered through the budget process. CalVIP has been allocating an average of $9.2 million per year in competitive grants awarded by the Board of State and Community Corrections (BSCC) to cities and community-based agencies providing a range of youth violence prevention and crime reduction services. AB 18 restates the current objectives of the CalVIP program, with funding preferences for communities with high rates of homicides, shootings or community violence. It re-defines the target population served by the grants as cities that are “disproportionately impacted by violence” based on the number or rate of homicides specified in the bill, while also allowing grants to be made to applicants who otherwise demonstrate “unique and compelling need for additional resources to address the impact of homicides, shootings and aggravated assaults in the applicant’s community”. Preference must now be given to applicants that demonstrate the greatest likelihood that their programs will reduce the incidence of homicides, shootings and aggravated assault. Applicants may, as before, be cities or community-based agencies serving the residents of the target cities. The bill requires BSCC to establish a grant selection advisory committee including representatives from listed disciplines and perspectives. The CalVIP grant program provisions of AB 18 are identical those also contained in AB 1603 (Wicks, see below). ***Hearing in Assembly Appropriations on 5/16 was postponed; failed to meet the fiscal committee deadline, two year bill.***

***AB 122 (Grayson, D.- Concord). Minor’s consent to sharing information among domestic violence and human trafficking multi-disciplinary teams.*** Current law permits a city, county or community-based agency to establish a domestic violence multi-disciplinary personnel team and/or a human trafficking multi-disciplinary team of qualified specialists to provide services to affected children and families. The Penal Code sections authorizing these MDT’s include limits on the sharing of information provided or disclosed to the teams— including a requirement that a person must consent to the sharing of information obtained from him or her. AB 122 maintains this consent requirement for adults but effectively eliminates it for minors from whom the information is obtained. ***Hearings cancelled in the Assembly Public Safety Committee; failed to meet policy committee deadline.***

***AB 175 (Gipson, D.- Carson).*** ***Foster care bill of rights.*** AB 175 makes multiple changes to the foster care “bill of rights” at Welfare and Institutions Code Section 16001.9. Changes include new provisions on placement (including a new right to be placed in the least restrictive possible setting), on the privacy of foster youth regarding gender identity and sexual orientation, on access to health care and grooming products and in other areas. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 413 (Jones-Sawyer, D. – L.A.). Code references to at-risk youth.*** As introduced, AB 413 amended multiple sections of the Education and Penal codes to replace references to “at-risk” or “high-risk” children or youth with “at-promise” and “high-promise” children or youth. As amended, the bill deletes the new references to “high-promise” children and youth while retaining changes in multiple code sections replacing references to “at-risk” children and youth with “at-promise” children and youth.  ***Passed the Assembly (65-4-11), to the Senate for committee assignment.***

***AB 439 (Stone, D. – Santa Cruz). Competency determinations and placements of minors with developmental disabilities*.** AB 439 amends current law on the competency of minors in delinquency proceedings by deleting the requirement that a regional center director or designee must pre-approve the placement of a developmentally disabled minor in a center or facility operated by the State Department of Developmental Disabilities. The bill adds a clarifying provision stating that a determination of a minor’s competency by the director of regional center or his/her designee is neither authorized nor required under revised competency provisions adopted in Welfare and Institutions Code Section 709 last year. Non-fiscal bill. ***Passed the Assembly (76-0-4), double-referred to the Senate Committees on Human Services and Public Safety.***

***AB 465 (Eggman, D. - Stockton). Dual status youth, definitions and outcome measures.*** In 2016, AB 1911 required the California Judicial Council to convene a statewide stakeholder group to “facilitate and enhance comprehensive data and outcome tracking for the state’s youth involved in both the child welfare system and the juvenile justice system”. In 2017, the Judicial Council stakeholder group issued its report and recommendations including definitions, outcome measures and data system adjustments designed to standardize processing and tracking of dual status youth across California counties. AB 465 would partially implement these recommendations by adding, to Welfare and Institutions Code Section 241.2, eighteen standard definitions covering crossover youth, dual status and dually involved youth, homeless youth, recidivism and other definitions relevant to this caseload. Non-fiscal bill. ***Passed the Assembly (76-0-4), double-referred to the Senate Committees on Human Services and the Judiciary.***

***AB 656 (Eduardo Garcia, D. – Coachella). Office of Healthy and Safe Communities.*** AB 656 would create the state Office of Healthy and Safe Communities (OHSC) to develop and oversee a comprehensive state violence prevention strategy and to expand community-based violence reduction programs and services. The OHSC would be managed by the California Surgeon General in coordination with the Governor. AB 656 lists goals and activities for the OHSC including “develop a California vision and plan for violence prevention, safety and healing…aligned with funding to drive population level results for decreasing exposure to violence”, “identify and integrate trauma-centered diagnostic tools”, and “create a learning community” to share promising practices, research, data and approaches to violence prevention. An OHSC Director would be appointed by the Governor and the Surgeon General. The bill also creates an Advisory Committee composed of designated public and community-level violence prevention specialists. A $6 million appropriation was removed prior to Appropriations Committee approval of the bill in May. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 665 (Gallagher, R. – Yuba City). Partial repeal of SB 394 youth offender parole reviews for juvenile LWOP prisoners.***  In 2018, California enacted Senate Bill 394 (Lara), mandating sentence and parole reviews for California juveniles serving life-without-parole (LWOP) sentences in state prison. SB 394 provided that a person whose LWOP offense occurred prior to age 18 could petition the sentencing court to recall the sentence or to resentence the person with the possibility of parole based on multiple factors delineated by the United States Supreme Court in *Miller v. Alabama* and by SB 394. As introduced, AB 665 was a full repeal of Senate Bill 394. As now amended in response to opposition based on non-compliance with constitutional requirements, AB 665 would allow for resentencing hearings for juvenile LWOP inmates after 15 years of incarceration, but it would disallow recall of the sentence by the court while also requiring that the individual be resentenced to life with the possibility of parole unless the person is determined to be “invariably corrupt or incapable of rehabilitation” (in which case the LWOP status would remain in effect). AB 665 continues to represent a substantial push-back on the parole relief provisions provided for juvenile LWOP inmates by SB 394. ***Hearings cancelled in the Assembly Public Safety Committee; withdrawn by the author.***

***AB 696 (Lackey, R. – Palmdale). Study on effects of using pepper spray on juvenile detainees.*** AB 696 would require the Board of State and Community Corrections (BSCC) to contract with a research entity to conduct a study on the “efficacy and impacts of the use of pepper spray” in county juvenile halls and probation camps and ranches. The study must examine the impacts of pepper spray and juveniles and on facility staff and address best practices for de-escalation of fights and for training of staff. The research entity is broadly described as one having a research focus on youth institutional care while being non-partisan and not having taken a policy position previously on the use of pepper spray in juvenile facilities. The bill, sponsored by the Chief Probation Officers of California (CPOC), is a milder approach to the juvenile pepper spray controversy when compared to the stronger controls mandated by AB 1321 (Gipson), covered below. ***Held in the Assembly Appropriations Committee; two year bill.***

***AB 748 (Gipson, D. – Carson). Nonminor dependents.*** AB 748 makes multiple changes to sections of the Welfare and Institutions Code defining nonminor dependents and their eligibility for continuing foster care benefits beyond age 18. As amended in May, the bill modifies the process which qualifying nonminors can petition the court to resume dependency or to assume or resume transition jurisdiction. The bill includes a new requirement that for nonminors whose dependency status is not established prior to turning age 18, the court must hold a hearing to determine whether the individual qualifies as a nonminor dependent, and thus eligible for continuing foster care benefits. Makes multiple other changes to sections on nonminor dependents. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 750 (Chen, R. – Yorba Linda). Armed school resource officers.*** As amended on 3/14, AB 750 required each local school district or charter school to hire at least one armed school resource officer to be present during school hours and at other times when pupils are present on campus. As amended on 3/21, the bill slightly modifies this requirement by removing the reference to “armed” school resource officers while retaining the requirement that each school district or charter school in California shall contract with a school resource officer who is “authorized to carry a loaded firearm” and who must be present during school hours and at any other time when children are present at the school. ***Failed passage in the Assembly Education Committee on 4/10.***

***AB 884 (Melendez, R. – Lake Elsinore). Sex offender registration for offenses involving minors***. AB 884 would modify recent sex offender registration reforms that have replaced lifetime sex offender registration with time-limited registration tiers based on offense severity. This bill would reclassify Penal Code Section 288 (a) offenses (lewd or lascivious conduct with a minor under age 14) as Tier 3 crimes triggering lifetime registration rather than Tier 2 crimes carrying a 20-year registration requirement. ***Failed passage in the Assembly Public Safety Committee on 4/9.***

***AB 901 (Gipson, D. – Carson). Repeal of status offense (Section 601) jurisdiction of the juvenile court; limits on mandatory probation referrals to the prosecuting attorney; limits on probation supervision.*** AB 901 started out as a bill to eliminate the truancy jurisdiction of the Juvenile Court. As amended in May, the bill has become a more sweeping proposal to repeal Section 601 of the Welfare and Institutions Code (WIC), thus eliminating status offenses from the jurisdiction of the Juvenile Court. The status offenses removed from jurisdiction include truancy, curfew violations and “beyond control” behavior such as running away from home. Education and WIC Code sections are amended to delete the role of the District Attorney and the Court in the prosecution of truants, though current provisions providing for School Attendance Review Boards and truancy mediation programs remain in place. AB 901 also revises WIC Section 206, defining the delinquency prevention role of probation, by allowing the probation officer to offer voluntary programs and services to minors but without conditions or consequences for failure to complete the programs. An important change places new limits on “mandatory referrals” of certain offenses by the probation officer to the District Attorney. Current law requires all felonies (where the minor is 14 or older) and a long list of violations in Section 653.3 to be forwarded by probation to the DA for a prosecutor’s decision whether to commence delinquency proceedings. Under AB 901, mandatory DA referrals would be limited to a WIC 707 (b) alleged offense or to a second felony referral for a minor under age 14. This has the effect of expanding the number and variety of cases that can or must be handled by the probation officer with a referral to community services or with a referral to a program of informal (non-court) supervision. The informal probation supervision section (WIC Sec. 654) is changed to allow placement on six-months of informal supervision only if remedial services are unavailable and then only with consent of the minor and the minor’s parent or guardian. If the minor is placed on the WIC 654 probation caseload and fails to participate in the designated services for a 60 day period, then and only then can the probation officer proceed with the filing of a delinquency petition in Juvenile Court. There are other nuances and changes in the bill designed to decriminalize system responses for a range of lesser juvenile offenses and behaviors. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 927 (Jones-Sawyer, D. – L.A.). Ability to pay fines or fees in juvenile proceedings.*** AB 927 requires the criminal court, prior to imposing a fine or fee on a defendant for a misdemeanor or felony, to determine that the defendant has the ability to pay the fine or fee based on criteria specified in the bill. As amended, the bill applies these requirements to fines or fees imposed in juvenile delinquency proceedings as well. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 965 (Stone, D.- Santa Cruz). Credits reducing wait time for youth offender parole hearings.*** Under current law a person serving a long or life prison term for a controlling offense committed while age 25 or younger is eligible after 15, 20 or 25 years of incarceration (depending on the nature of the conviction) for a youth offender parole hearing at which the Board of Parole Hearings may set a new or revised parole release date. AB 965 reduces the net wait time for a youth offender parole hearing by the number of days of credit earned by the inmate for participation in CDCR rehabilitation or education programs. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 995 (Ting, D.- S.F.) Transitional Housing Plus Program.*** This bill modifies eligibility for the Transitional Housing Plus program by lowering the age at which former foster youth can qualify for the program from 18 at the time of exiting foster care to 16. Makes other changes to the THPP program. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 1005 (Arambula, D. - Fresno). Continuum of Care Reform—Family Urgent Response System.*** This bill requires the state Department of Social Services (DSS) to establish a statewide hotline as a point of entry for a Family Urgent Response System having the capability to respond to calls from caregivers or foster youth who are experiencing some sort of crisis. AB 1005 spells out implementation requirements including that, by 1/1/21, county child welfare, probation, and behavioral health agencies must establish a joint county-based Family Urgent Response System that includes a mobile response and stabilization team to provide services for caregivers and current or former foster or youth experiencing a crisis. Each county or regional consortium of counties must, by November 2020, adopt an urgent response plan including procedures and services described in the bill. Implementation is contingent upon an appropriation of funds in the state budget. ***In the Assembly Human Services Committee, not moved, failed to meet policy committee deadline.***

***AB 1061 (Gipson, D. – Carson). Foster care placement change protections for probation youth.*** Legislation enacted in 2018 mandated new protections for youth facing abrupt or unnecessary changes in foster placements. These protections, added at Welfare and Institutions Code Section 16010.7, require the social worker or placing agency, prior to a change in placement, to develop and implement a placement preservation strategy to preserve the current placement. A change in placement could then only be made if found necessary after attempted implementation of the plan to preserve the current placement. The 2018 measure also barred late night placement changes unless certain criteria pertaining to the age of the ward and consent of the parties were met. AB 1061 makes it clear that these placement preservation and change protections apply not only to dependent wards of the court but also to all types of wards in placement including those under the placement authority and supervision of the probation department.  ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 1235 (Chu, D. – San Jose). Youth Homelessness Prevention Centers.*** This bill renames the “runaway and homeless youth shelter” category of community care facilities licensed by the state Department of Social Services (DSS). The new name given to these licensed group-care facilities (and changed again by recent amendment) is “Youth Homelessness Prevention Centers”. In addition, the service mission for these facilities is expanded to include “y*outh who are at risk of homelessness, youth who are exhibiting status offender behavior, or runaway youth”.*  “Youth at risk of homelessness” is broadly defined to include youth meeting one or more criteria on a long list that includes identification as “LGBTQ”, having financial stress, child or sexual abuse, mental health or substance abuse problems, unemployment and even “problematic gambling”. Services may be offered for up to 90 days (rather than the current short-term service limit of 21 days). The bill conforms multiple code sections to the new name.  ***Passed the Assembly (76-0-4), in the Senate Human Services Committee for hearing on 6/10.***

***AB 1321 (Gipson, D. – Carson). Use of chemical agents in juvenile facilities.*** AB 1321 imposes detailed monitoring and reporting requirements on juvenile facilities using chemical agents such as pepper spray. AB 1321 requires the custodian of each juvenile facility, including the Division of Juvenile Justice, to monitor and to report data, on a quarterly schedule, to the Board of State and Community Corrections (BSCC) on each use of a chemical agent including demographic information on minors affected use, reasons for use, injuries suffered by minors and staff and other related information. . The bill also requires the Legislative Analyst Office (LAO) to conduct a study on the use of chemical agents in juvenile facilities using data collected by BSCC and covering the policies and practices of juvenile facilities in the top quartile of per-capita use of chemical agents during the previous year. Some provisions were taken out of the bill in the Appropriations Committee in May, and at the request of the Chief Probation Officers of California, including the requirement that facilities submit reports including de-escalation efforts prior to using a chemical and the requirement that BSCC conduct annual inspections of juvenile facilities in the top quartile of chemical agent use and provide those facilities with training and TA on de-escalation and alternatives to chemical agents. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 1354 (Gipson, D. – Carson). Education planning and transition requirements for juvenile justice youth.*** AB 1354 augments and expands the requirements of Education Code Section 48647 regarding transition plans and services for youth involved with the juvenile justice system. Current law requires each county office of education and county probation department to have a joint transitional planning policy to support the transition from court schools to public schools in the community. AB 1354 requires county offices of education to collaborate “as needed” with the probation department, and with local education agencies, to take specific steps to support swift enrollment, records transfer, appropriate coursework and other links to mainstream or public schools. The bill also requires local education and probation departments to produce an individualized transition plan, as defined, for each juvenile detained for more than 20 school days, and it provides additionally for transfers of specified records and other information within 72 hours of release from custody. ***Passed the Assembly Appropriations Committee, to the Assembly Floor.***

***AB 1390 (Stone, D. – Santa Cruz). Young Adult Deferred Entry of Judgment juvenile hall program—age of eligibility.*** AB 1390 raises the age of eligibility for young adults participating in the deferred entry of judgment juvenile hall pilot program, from a top age of 20 to a top age of 24 (“under 25”). Under the terms of the bill, an adult offender between the ages of 21-24 may be offered participation in the program only upon the recommendation of the multi-disciplinary team that oversees local pilot program. This six-county pilot program was established 2016, allowing participating counties to place young adult felony offenders in juvenile hall custody programs for up to one year as an alternative to serving a local jail sentence. Those offered the program must consent to participation, must not be charged with a listed serious offense and must initially plead guilty to the charge on a “deferred entry of judgment” basis that provides for dismissal of the charge(s) upon satisfactory completion of the program. The six counties currently in the pilot program include Ventura, Alameda, Santa Clara, Butte, Napa and Nevada, though the program has not been implemented actively in all these sites. Non-fiscal bill. ***Passed the Assembly (54-19-7), to the Senate Public Safety Committee***

***AB 1394 (Daly, D. – Anaheim). Ban on fees charged for juvenile record sealing petitions.*** AB 1394 prohibits the court or the probation department from charging an applicant fee for filing a petition to seal a juvenile record under under WIC Section 781. As amended in April, the bill also bars charging the petitioner for costs incurred for investigation related to the filing of any such record sealing petition. However, the protection from costs imposed for implanting a court order to seal the record (actual record sealing) under Section 781 has been removed by amendment from the bill. ***Passed the Assembly (72-2-6), in the Senate Public Safety Committee.***

***AB 1423 (Wicks, D. – Oakland). Transfers back from adult to juvenile court***. AB 1423 adds Section 707.5 to the Welfare and Institutions Code, establishing a new process for transferring jurisdiction from the adult criminal court back to the juvenile court for purposes of determining a disposition where the adult court action did not result in conviction on a transfer-eligible offense. Under AB 1423, the case must be returned to the juvenile court for disposition if the individual was found to have committed only misdemeanors in the adult court. A different process applies where the individual is found by the adult court to have committed a felony offense not listed in WIC Section 707 (b)—i.e. not a transfer-eligible offense. Where the person is convicted only of a non-707 (b) felony, the adult court has discretion to return the case to the juvenile court for disposition. In considering whether to return the case to the juvenile court under these circumstances, the criminal court is must determine “by a preponderance of evidence that a juvenile disposition is in the interests of justice and the welfare of the person”. As amended in the Public Safety Committee, the same discretionary criteria for the adult court to return the case to juvenile court for disposition apply where the juvenile defendant pleads guilty only to one or more non-707 (b) felonies (as the result of a plea bargain), except that in these situations the prosecutor must agree to the transfer-back. ***Passed the Assembly (51-10-19), to the Senate Public Safety Committee.***

***AB 1537 (Cunningham, R. – San Luis Obispo). Prosecutor “Brady” access to sealed juvenile records.*** This bill has been vastly amended to adjust the proposed process for prosecutor “Brady” access to sealed juvenile records. “Brady” access in this context means a prosecutor’s request to access and use information in a sealed juvenile record in order to meet a statutory or constitutional obligation to disclosure exculpatory information to the defense in a pending criminal case. As introduced, the bill created an elaborate process for prosecutors to access information in sealed juvenile records—including the option to shift the disclosure decision to the adult criminal court. As now amended, the determination on Brady access by the prosecutor will be made only by the juvenile court, not the adult criminal court. Protective language in the proposed disclosure process remains in place, including that the prosecutor must specify a rationale for requesting the Brady information; that the person with the sealed record must be notified of the request to access the record and afforded an opportunity to respond; that the court must identify the portions of the record subject to access; and that a disclosure order of the court must include appropriate limits on the use of the sealed record to protect the confidentiality of the person having the sealed record. The amendments now conform the proposed, modified process across four affected record-sealing code sections: WIC Section 786 (“auto-sealing”); WIC 781 (sealing by petition), WIC 793 (sealing related to deferred entry of judgment); and Penal Code Section 851.7 (sealing of misdemeanor records).

***Passed the Assembly (76-0-4), to the Senate Public Safety Committee.***

***AB 1603 (Wicks, D. – Oakland). California Violence Intervention and Prevention Program.*** AB 1603 codifies and modifies the existing CalVIP grant program which has previously been managed and appropriated through the budget process. The CalVIP grant program has been allocating an average of $9.2 million per year in competitive grants awarded by the Board of State and Community Corrections (BSCC) to cities and community-based agencies providing a range of youth violence prevention and crime reduction services. AB 1603 restates the current objectives of the CalVIP program, with funding preferences for communities with high rates of homicides, shootings or community violence. It re-defines the target population served by the grants as cities that are “disproportionately impacted by violence” based on the number or rate of homicides as specified in the bill, while also allowing grants to be made to applicants who otherwise demonstrate “unique and compelling need for additional resources to address the impact of homicides, shootings and aggravated assaults in the applicant’s community”. Preference must now be given to applicants that demonstrate the greatest likelihood that their programs will reduce the incidence of homicides, shootings and aggravated assault. Applicants may, as before, be cities or community-based agencies serving the residents of the target cities. The bill requires BSCC to establish a grant selection advisory committee including representatives from listed disciplines and perspectives. Identical provisions are included in AB 18, covered above. ***Passed the Assembly Appropriations Committee on 5/16, to the Assembly Floor.***

***AB 1641 (Kiley, R. – Rocklin). No youth offender parole hearing for persons committing a listed homicide offense after age 18.*** Under youth sentencing reforms enacted over the last five years, certain individuals whose crimes were committed before age 25 and who received long or life prison terms were made eligible for a youth offender parole hearing leading to possible sentence reduction or release based on criteria stated in the reform bills. Penal Code Section 3051 makes certain offenders ineligible for parole review or relief based on the severity and timing of the commitment offense. AB 1641 would amend PC Sec. 3051 to further eliminate eligibility for youth offender parole hearings and possible early release for “*a person convicted of murder in the first or second degree for a murder that was committed after the person had attained 18 years of age.”* ***In the Assembly Public Safety committee, not moved by the author, failed policy committee deadline.***

**Senate bills**

***SB 144 (Mitchell, D. – L.A and Hertzberg, D. – Van Nuys). Elimination of criminal justice administrative fees.*** This massive (142 sections) bill eliminates the authority of counties, courts and other agencies to charge fees for a wide range of juvenile and criminal justice system proceedings and operations—including fees that may now be assessed for probation and diversion programs, placement and incarceration, drug testing, attorneys fees, drug testing and other activities. On the juvenile justice side, specific sections would wipe out fees that can presently be assessed on persons aged 26 or older for sealing of juvenile offense records. However, the bill retains the authority of county agencies to assess parents or guardians for support costs related to the detention or placement of a minor upon arrest or by order of the juvenile court. SB 144 supplements Senator Mitchell’s 2017 legislation (SB 190) that eliminated a long list of court and county fees imposed on children and parents for numerous juvenile justice services and sanctions Those interested in a detailed view of the administrative costs curtailed by SB 144 are advised to review the extensive text of the bill.***Passed the Senate Appropriations Committee on 5/16, to the Senate Floor.***

***SB 145 (Wiener, D. – S.F.). Option for relief from sex offender registration for certain offenses involving minors.*** SB 145 would permit a person required to register as a sex offender, for an offense involving communication with a minor with intent to commit a listed sex crime, to apply to the court for discretionary relief from the registration requirement, where the age difference between the minor and the registrant was less than 10 years at the time of the offense. The bill limits the opportunity to apply for relief to situations where contact or communication (usually by internet or electronic device) was the only offense triggering registration. ***Passed the Senate Appropriations Committee on 5/16, to the Senate Floor.***

***SB 284 (Beall, D.- San Jose). Increased county cost to send juveniles to the Division of Juvenile Justice (DJJ).*** SB 284 raises the statutory cost or charge to a county for certain commitments of juveniles to the state youth corrections system (DJJ). Currently, under Welfare and Institutions Code Section 912, a county committing an eligible juvenile to DJJ must pay the state a statutory fee which is set at $24,000 per youth per year, until age 23. This bill would raise the county charge for DJJ commitments to $125,000 per year for any juvenile who was under the age of 16 at the time of the offense or who, regardless of age, is committed on the basis of an offense that would earn less than seven years of imprisonment if the case had resulted in an adult court conviction on the commitment charge. The current $24,000 per youth/per year cost would remain in place for commitments of juveniles who are both over age 16 at the time of the offense and whose commitment offense would earn fewer than seven years of incarceration if processed as an adult court conviction. County charges are incurred for the full term of commitment (up to age 23) which is controlled by the state Board of Juvenile Hearings (BJH). The average length of stay for all DJJ juvenile court commitments in 2017 was 32 months. The goals of the bill are to disincentivize DJJ commitments of younger juveniles in the lower echelons of listed serious/violent offenses that qualify for admission to DJJ, and to encourage retention of custody and supervision in local settings. ***Passed the Senate (30-8-0), to the Assembly Public Safety Committee.***

***SB 419 (Skinner, D. – Berkeley). Limits on suspension of pupils for school disruption or defiance.*** Current law prohibits suspension of a pupil grades K-3, or recommended expulsion for pupils in grades 1-12, for disrupting school activities or otherwise willfully defying the authority of school personnel. SB 419 would extend this protection against suspension for disruption or defiance to include pupils in grades 4-8 in a school or charter school. It would also ban suspension of any pupil in grades 9-12 for these reasons until 2025. The bill re-introduces provisions of a similar bill carried by Senator Skinner last year that was vetoed by Governor Brown (SB 607). Non-fiscal bill. ***Passed the Senate (30-8-0), to the Assembly Education Committee.***

***SB 433 (Monning, D. - Carmel). Office of Youth Development and Diversion Pilot Program.*** SB 433 would establish an Office of Youth Development and Diversion (OYDD) within the state Department of Social Services (DSS), and in collaboration with the state Dept. of Public Health, to administer a three-year pilot program in up to five participating counties selected by the Department. The mission of the pilot program is to advance a comprehensive public heath approach to diversion of youth from the juvenile and criminal justice systems and to promote positive youth development for youth at risk of justice system processing. SB 433 authorizes state OYDD grants to participating counties to support services including youth education, vocational training, health/mental health, mentoring and other named areas. Applicants must establish a local youth development and diversion office to administer grant funds, including a multi-disciplinary team of designated representatives to oversee the implementation of the local grant program. Grant funds are to be allocated by the local OYDD to community-based, non-governmental agencies providing diversion and development services to target populations consisting of children, teens and transition-age youth who are homeless, school dropouts, disabled, undocumented, “LGBTQQI”, or otherwise defined as special needs or as involved with the juvenile or criminal justice systems. The bill includes multiple other criteria for the operation and administration of the pilots. It is modeled to some extent on the Los Angeles County Division of Youth Diversion and Development and on the state’s 2018 Youth Reinvestment Grant program presently administered by the Board of State and Community Corrections***. Held in the Senate Appropriations Committee, two year bill.***

***SB 485 (Beall, D. – San Jose). Elimination of driving privilege restrictions for listed offenses.*** Under current law the Department of Motor Vehicles or the court may or must restrict or suspend driving privileges as a penalty related to the commission of listed crimes and tax delinquencies. SB 485 would prohibit the DMV from suspending or delaying a driver’s license based on conviction of a criminal offense that is not also a violation of the Vehicle Code. Furthermore, the bill would generally eliminate the authority of the Department or the court to suspend driving privileges for tax delinquencies or for listed offenses including prostitution, lewd or dissolute conduct, substance abuse or alcohol or firearm use*.* May amendments ensure that the provisions of the bill if enacted will apply only to DMV or court license determinations made on or after January 1, 2020.***Passed the Senate Appropriations Committee on 5/16, to the Senate Floor.***

***SB 555 (Mitchell, D. – L.A.). Contracts for phone and communication services in jails and juvenile facilities***. SB 555 requires contracts for phone and communication services in juvenile facilities and jails to meet new minimum requirements. These include that the contract may not provide for commissions or fees to be paid to the jail or juvenile facility and that the contract must provide the “lowest cost of service to any person who pays for the telephone or communication service.” The contract provisions cover telephone service and video communications including video-visitation. SB 555 applies to jails and juvenile facilities including juvenile halls, camps and ranches. The bill also places limits on prices of articles sold to inmates in county jail stores and imposes new restrictions on how sheriffs may spend or use assets in an incarcerated peoples’ welfare fund. As amended in May, the bill if enacted would apply only to contracts entered into or renewed after January 1, 2020***. Passed the Senate Appropriations Committee on 5/16, to the Senate Floor.***

***SB 678 (Glazer, D. Orinda). Restorative justice pilot program***. SB 678 establishes a Restorative Justice Pilot Program to administer five-year grants to up to three counties to operate restorative justice programs for adult offenders. The programs apply a restorative justice model that involves contact and agreement with the victims of crime leading to an individual plan that will “bring amends to the victim and the community” while promoting individual rehabilitation. Participants are selected by the district attorney and must consent to participation. Persons charged with listed serious or violent crimes are not eligible. Upon admission to a pilot program, criminal proceedings are suspended for up to 36 months. Upon satisfactory completion of the program as determined by the court, the charges must be dismissed. Grant funds (yet to be appropriated) would be administered by the Board of State and Community Corrections.  ***Held in the Senate Appropriations Committee, two year bill.***

***SB 694 (Stone, R. – La Quinta). Misdemeanor to bring cell phone into juvenile facility*.** Adds a misdemeanor punishable by a $1000 fine for bringing a wireless communication device, including a cell phone, pager, watch or similar device, into a juvenile hall, camp or ranch. ***Hearings in the Senate Public Safety Committee cancelled by the author, not moved, failed policy committee deadline.***

***SB 710 (Bates, R. – Laguna Hills). DNA and fingerprint collection for misdemeanors, Prop 47 changes.*** Current law requires DNA samples and fingerprints to be collected from adults or juveniles with felony convictions or adjudications. This bill would extend these DNA and fingerprint requirements to adults convicted of listed misdemeanor offenses. The bill also modifies the terms of Proposition 47 by restoring felony and prison-eligibility status to some of the offenses that were reduced to misdemeanors by the initiative. ***Hearings in the Senate Public Safety Committee cancelled by the author, not moved, failed policy committee deadline.***

***SB 716 (Mitchell). Access of detained juveniles to post-secondary academic and technical education programs****.* SB 716 is intended to improve the access of detained juveniles to post-secondary academic and career technical programs. As amended, the bill requires probation departments and the Division of Juvenile Facilities to ensure that certain youth in their facilities—those who have a high school diploma or equivalency certificate—have access to post-secondary academic and technical programs and courses that are “offered online”. Previously the bill required these programs to be offered directly within the juvenile facility. Instead, the bill now “encourages” probation departments and DJF to develop local partnerships with post-secondary, public campuses to provide instruction on campus and onsite within the juvenile facility. The requirement that probation departments or DJF must collaborate with higher education institutions to ensure access to post-secondary education has been taken out of the bill. The bill’s provisions remain applicable to juvenile halls, probation camps and ranches and DJF facilities. While the mandate to provide these post-secondary services does not apply to detainees who have yet to meet high school graduation requirements, the bill specifies that pre-graduation youth are not precluded from participation in the post-secondary programs mandated for those who have high school graduation status. ***Passed the Senate Appropriations Committee, to the Senate Floor.***

*Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at* [*www.comjj.org*](http://www.comjj.org)*.*